



73167
U.S. Department of
Transportation
Office of the Secretary
of Transportation

GENERAL COUNSEL

FEBRUARY 16, 2000

400 Seventh St., SW.
Washington, D.C. 20590

OST-99-6410-25

Ms. Erica Smith
315 W. 35th St., Apt. 208
Steger, IL 60475

Dear Ms. Smith:

Senator **Durbin** has asked the Department of Transportation to respond to your letter to him of November 7, 1999, in support of the formal complaint **that** the American Society of Travel Agents (ASTA) has recently **filed with** this Department against a number of airlines (Docket OST-99-6410). ASTA alleges that in cutting the commissions that they pay travel agents, the **airlines** are engaging in unfair practices and unfair methods of competition in violation of 49 U.S.C. §41712.

The airlines filed their responses to ASTA's complaint on December 10. It is **now** up to the Enforcement Office to review the complaint and responses and determine whether, under our statute, the complaint should be pursued or dismissed. Under these circumstances, it would be inappropriate for me to comment on the substance of your letter. You can track the pleadings **as well as** the Department's actions through our Dockets web site at <http://dms.dot.gov>. Clicking on "search" and then typing "6410" in the space for the docket number and again clicking on "search" will bring up a list of all documents in the docket. Each item can be opened.

The Department's *ex parte* rules, 14 CFR Part 300, require that I place your letter and a copy of this reply in Docket OST-99-6410. Please be assured that ASTA's complaint will receive careful and thorough consideration.

Sincerely,

Samuel Podberesky
Assistant General Counsel for
Aviation Enforcement and Proceedings

cc: Pearson Cummings
Office of Senator Richard D. Durbin

DEPT. OF TRANSPORTATION
DOCKETS
00 FEB 29 AM 9:13

RICHARD J. DURBIN
ILLINOIS

COMMITTEE ON APPROPRIATIONS

COMMITTEE ON
GOVERNMENTAL AFFAIRS

COMMITTEE ON THE BUDGET

SELECT COMMITTEE ON ETHICS

ASSISTANT DEMOCRATIC
FLOOR LEADER

02/02

United States Senate
Washington, DC 20510-1304

January 28, 2000

364 RUSSELL SENATE OFFICE BLDG.
WASHINGTON, DC 20510-1304
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TTY (202) 224-8180

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CHICAGO, IL 60604
(312) 353-4952

525 SOUTH EIGHTH STREET
SPRINGFIELD, IL 62703
(217) 492-4062

701 NORTH COURT STREET
MARION, IL 62959
(618) 998-8812

Ms. Nadine Hamilton
Acting Director, Office of Congressional Affairs
U.S. Department of Transportation
Room 10408 (I-10)
400 Seventh Street, S.W.
Washington, DC 20590

Dear Ms. Hamilton:

Enclosed please find a copy of a letter from Erica Smith, an Illinois constituent who is supporting the case of the American Society of Travel Agents (ASTA) filed with the Department.

I would appreciate your giving the views of Ms. Smith consideration as the Department reviews ASTA's case. I would also appreciate your acknowledging these letters directly and providing any information you may have about the case. Please forward a copy of any correspondence to my Washington office.

Thank you in advance for your attention to this matter. Please do not hesitate to contact me or Pearson Cummings in my Washington office if you have any questions.

Sincerely,



Richard J. Durbin
United States Senator

RJD/pc

Enc.

Author: putrgyrl@gateway.net at Internet

Date: 11/7/1999 12:13 P M

Subject: Please save my business

----- Message Contents

From:

Erica Smith

315 W. 35th St Apt 208

Steger, IL 60475

Senator Durbin:

Dear Senator:

Please save my business from airline unfair competition by writing to the Secretary of Transportation and ask him to act favorably upon the American **Society of Travel Agents'** (ASTA) complaint against airline unfair practices.

ASTA's filing requests the Secretary to use his authority to stop the unfair methods of competition the airlines are using to force travel agencies out of business. The airlines have driven travel agent compensation below the cost of doing business, while also creating a "**cost squeeze**" that drives up agents' costs with unnecessary and anticompetitive restrictions.

My small business continues to provide consumers with the last, best hope for getting neutral, professional information and advice about travel service options. If the airlines succeed, consumers will pay more. On behalf of my clients and employees, we thank you for contacting the Secretary and notifying me or my trade association, ASTA, at 703-739-6842 of your action.

Look forward to hearing from you soon.

Sincerely,

Erica P. Smith

Sincerely,

Erica Smith